

ESTTA Tracking number: **ESTTA684535**Filing date: **07/20/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	TMD Friction Services GmbH		
Entity	Corporation	Citizenship	Germany
Address	Schlebuscher Strasse 99 Leverkusen, 51381 GERMANY		

Attorney information	William E OBrien Law Offices of William E OBrien 2 Connector Road Suite 200 Westborough, MA 01581 UNITED STATES william@masstechlawyer.com Phone:7819565363
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Applicant Information

Application No	86532469	Publication date	06/30/2015
Opposition Filing Date	07/20/2015	Opposition Period Ends	07/30/2015
Applicant	Gong Qiao Rm 305,1st Building,No.89,Liuwu Road Shenzhen, CHINA		

Goods/Services Affected by Opposition

Class 012. First Use: 2014/06/22 First Use In Commerce: 2014/06/22


All goods and services in the class are opposed, namely: Automobile wheel shields; Automobile windshields; Automobiles; Bicycles; Boat accessories, namely, canvas covers, enclosures and windows sold as a unit and affixed to the boat for recreational boating and marine use; Boat accessories, namely, planing hulls; Boats; Brake cylinders; Brake discs for vehicles; Brake disks; Brake rotors for land vehicles; Camping trailers; Car seat covers; Cars; Clutches for land vehicles; Fitted covers for vehicles; Fitted fabric covers for vehicle seat belts; Flexible fuel tanks for Motor yachts, vehicle, boats, trucks, yachts; Handle bar grips for scooters; Land vehicle parts, namely, windshields; Motor cars for transport on land; Motor cycles; Motor homes; Motorcycles; Parts of motorcycles, namely, brake levers; Parts of motorcycles, namely, clutch cables; Racing cars; Steering wheel covers; Tractors; Vehicle parts, namely, windshield visors; Vehicle seat covers; Vehicle windscreens; Wheels for bicycles, cycles; Windscreen wipers; Windscreens for motorcars; Yachts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration	4741317	Application Date	03/29/2014
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No.			
Registration Date	05/26/2015	Foreign Priority Date	NONE
Word Mark	COSID		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 007. First use: First Use: 0 First Use In Commerce: 0 Friction material, namely, brake pads for driving machines, conveyor machines, construction machines, agricultural machines, machine tools, machine elements aswell as power machines and processing machines; clutch facings and transmission components, other than for vehicles; brake linings other than for vehicles; disc brake linings for wind power installations, construction machines, cranes, hoists, floor conveyors and for general mechanical engineering, industrial brakes; friction pads for forming presses and forging presses; brake bands for hoists, winches and for conveyor machines; brake and clutch linings as machine elements for use in drive engineering, agriculture, military technology and mechanical engineering</p> <p>Class 012. First use: First Use: 0 First Use In Commerce: 0 Friction material for vehicles, namely, brake pads, in particular for motor vehicles, building and mine vehicles off-road rail vehicles, namely, long distance trains, regional trains, freight cars, locomotives, metro applications, street cars and light rail vehicles, monorails; friction materials, namely, brake pads for apparatus for locomotion by land or water; machine coupling and transmission components for land vehicles, namely, long distance trains, regional trains, freight trains, freight cars, locomotives, metro applications, street cars and light rail vehicles, monorails; trailer couplings and clutches for vehicles, railway couplings; brake linings, namely, disc brake linings, block brake linings, drum brake linings and clutch linings for vehicles; disc brake linings for rail vehicles; drum brake linings for motor vehicles, trailer, rail and special-purpose vehicles and military vehicles; brake bands for passenger vehicles and trailers</p>		

Attachments	79148267#TMSN.png(bytes) Notice of opposition.pdf(176556 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/william e obrien/
Name	William E OBrien
Date	07/20/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No.: 86532469
Published in the *Official Gazette* on: June 30, 2015

TMD Friction Services GmbH,

Opposer,

v.

Opposition no.:

Gong Qiao

Applicant.

NOTICE OF OPPOSITION

TMD Friction Services GmbH, (hereinafter referred to as “Opposer”), a German corporation, located at Schlebuscher Straße 99, Leverkusen 51381, believes that it will be damaged by registration of the mark shown in the application serial number 86532469 –“Kosin” for:

“Automobile wheel shields; Automobile windshields; Automobiles; Bicycles; Boat accessories, namely, canvas covers, enclosures and windows sold as a unit and affixed to the boat for recreational boating and marine use; Boat accessories, namely, planing hulls; Boats; Brake cylinders; Brake discs for vehicles; Brake disks; Brake rotors for land vehicles; Camping trailers; Car seat covers; Cars; Clutches for land vehicles; Fitted covers for vehicles; Fitted fabric covers for vehicle seat belts; Flexible fuel tanks for Motor yachts, vehicle , boats, trucks, yachts; Handle bar grips for scooters; Land vehicle parts, namely, windshields; Motor cars for transport on land; Motor cycles; Motor homes; Motorcycles; Parts of motorcycles, namely, brake levers; Parts of motorcycles, namely, clutch cables; Racing cars; Steering wheel covers; Tractors; Vehicle parts, namely, windshield visors; Vehicle seat covers; Vehicle windscreens; Wheels for bicycles, cycles; Windscreen wipers; Windscreens for motor cars; Yachts”

in international class 12 by Gong Qiao, (“Applicant”) and hereby opposes the same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

1. Opposer is the owner of the federal trademark registration: 4,741,317- “COSID”

for:

Friction material, namely, brake pads for driving machines, conveyor machines, construction machines, agricultural machines, machine tools, machine elements as well as power machines and processing machines; clutch facings and transmission components, other than for vehicles; brake linings other than for vehicles; disc brake linings for wind power installations, construction machines, cranes, hoists, floor conveyors and for general mechanical engineering, industrial brakes; friction pads for forming presses and forging presses; brake bands for hoists, winches and for conveyor machines; brake and clutch linings as machine elements for use in drive engineering, agriculture, military technology and mechanical engineering” in international class 7;

“Friction material for vehicles, namely, brake pads, in particular for motor vehicles, building and mine vehicles off-road rail vehicles, namely, long distance trains, regional trains, freight cars, locomotives, metro applications, street cars and light rail vehicles, monorails; friction materials, namely, brake pads for apparatus for locomotion by land or water; machine coupling and transmission components for land vehicles, namely, long distance trains, regional trains, freight trains, freight cars, locomotives, metro applications, street cars and light rail vehicles, monorails; trailer couplings and clutches for vehicles, railway couplings; brake linings, namely, disc brake linings, block brake linings, drum brake linings and clutch linings for vehicles; disc brake linings for rail vehicles; drum brake linings for motor vehicles, trailer, rail and special-purpose vehicles and military vehicles; brake bands for passenger vehicles and trailers” in international class 12; and

This registration is referred to herein as “Opposer’s Registration” and a copy of the registration is attached hereto as Exhibit A to this Notice of Opposition. Opposer's Registration is prima facie proof of ownership and use of the mark from the original date of filing of the application, pursuant to 12 USC 1057 (b), and of the exclusive right to use the registered mark in commerce

2. Opposer is using Opposer’s Registration in connection with the sale and provision of its goods in United States commerce and in commerce between the United States and Germany.

3. As a result of the continued widespread use in interstate commerce and commerce

between the United States and Germany by Opposer and/or its licensees of Opposer's Registration in connection with its goods, Opposer's Registration has acquired extensive goodwill, has developed a high degree of distinctiveness and is well known and recognized as identifying high quality goods which have their origin with or have been authorized by Opposer.

4. Priority is not an issue in this case because the filing date of Opposer's Registration precedes both Applicant's filing date and the Applicant's alleged date of first use for Applicant's Mark.

5. Applicant's mark is confusingly similar to Opposer's Registration including especially, but not limited to, sound, spelling, appearance and commercial impression.

6. Applicant's goods are related, if not identical, to the goods sold and provided in connection with Opposer's Registration and/or represent a natural zone of expansion for Opposer and such goods would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers.

7. Applicant's use of its proposed mark in connection with the designated goods is likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods in that the public, the trade and others are likely to believe that Applicant's goods are: (a) the same goods as Opposer's; or (b) provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods, services or licensed products.

8. On information and belief, Opposer also opposes Applicant's mark on the basis that Applicant is not using the mark on the goods identified in its application.

9. In its application for registration, Applicant asserted that he "is using the mark in

commerce on or in connection with the goods/services in the application.”

10. On information and belief, Applicant has, for example, not used its mark in the United States on automobiles, bicycles, motorcycles, racing cars or tractors.

11. By reason of the forgoing, Opposer would be harmed if Applicant’s mark were allowed to register.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant’s application to register its mark be denied in all respects.

Respectfully submitted,



William E. O’Brien, Esq.
Attorney for the Opposer

Law Offices of William E. O’Brien
2 Connector Road, Suite 200
Westborough, MA 01581

Tel.: (781) 956 – 5363

Dated: July 20, 2015 email: william@masstechlawyer.com

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED
ELECTRONICALLY WITH THE U.S. PATENT AND TRADEMARK OFFICE ON July
20, 2015.



William E. O’Brien, Esq.

Certificate of Service:

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served by mailing said copy on July 20, 2015 via First Class Mail, postage prepaid to LIU XIAO, 401 North Tryon St #1132, Charlotte, North Carolina 28202, the correspondence address on record.

Date: July 20, 2015

A handwritten signature in black ink, appearing to read 'W. E. O'Brien', written over a horizontal line.

By: William E. O'Brien, Esq.

EXHIBIT A

United States of America

United States Patent and Trademark Office

COSID

Reg. No. 4,741,317

Registered May 26, 2015

Int. Cls.: 7 and 12

TMD FRICTION SERVICES GMBH (FED REP GERMANY (GMBH) LIMITED LIABILITY COMPANY)

SCHLEBUSCHER STRAßE 99

51381 LEVERKUSEN

FED REP GERMANY

TRADEMARK

PRINCIPAL REGISTER

FOR: FRICTION MATERIAL, NAMELY, BRAKE PADS FOR DRIVING MACHINES, CONVEYOR MACHINES, CONSTRUCTION MACHINES, AGRICULTURAL MACHINES, MACHINE TOOLS, MACHINE ELEMENTS AS WELL AS POWER MACHINES AND PROCESSING MACHINES; CLUTCH FACINGS AND TRANSMISSION COMPONENTS, OTHER THAN FOR VEHICLES; BRAKE LININGS OTHER THAN FOR VEHICLES; DISC BRAKE LININGS FOR WIND POWER INSTALLATIONS, CONSTRUCTION MACHINES, CRANES, HOISTS, FLOOR CONVEYORS AND FOR GENERAL MECHANICAL ENGINEERING, INDUSTRIAL BRAKES; FRICTION PADS FOR FORMING PRESSES AND FORGING PRESSES; BRAKE BANDS FOR HOISTS, WINCHES AND FOR CONVEYOR MACHINES; BRAKE AND CLUTCH LININGS AS MACHINE ELEMENTS FOR USE IN DRIVE ENGINEERING, AGRICULTURE, MILITARY TECHNOLOGY AND MECHANICAL ENGINEERING, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FOR: FRICTION MATERIAL FOR VEHICLES, NAMELY, BRAKE PADS, IN PARTICULAR FOR MOTOR VEHICLES, BUILDING AND MINE VEHICLES OFF-ROAD RAIL VEHICLES, NAMELY, LONG DISTANCE TRAINS, REGIONAL TRAINS, FREIGHT CARS, LOCOMOTIVES, METRO APPLICATIONS, STREET CARS AND LIGHT RAIL VEHICLES, MONORAILS; FRICTION MATERIALS, NAMELY, BRAKE PADS FOR APPARATUS FOR LOCOMOTION BY LAND OR WATER; MACHINE COUPLING AND TRANSMISSION COMPONENTS FOR LAND VEHICLES, NAMELY, LONG DISTANCE TRAINS, REGIONAL TRAINS, FREIGHT TRAINS, FREIGHT CARS, LOCOMOTIVES, METRO APPLICATIONS, STREET CARS AND LIGHT RAIL VEHICLES, MONORAILS; TRAILER COUPLINGS AND CLUTCHES FOR VEHICLES, RAILWAY COUPLINGS; BRAKE LININGS, NAMELY, DISC BRAKE LININGS, BLOCK BRAKE LININGS, DRUM BRAKE LININGS AND CLUTCH LININGS FOR VEHICLES; DISC BRAKE LININGS FOR RAIL VEHICLES; DRUM BRAKE LININGS FOR MOTOR VEHICLES, TRAILER, RAIL AND SPECIAL-PURPOSE VEHICLES AND MILITARY VEHICLES; BRAKE BANDS FOR PASSENGER VEHICLES AND TRAILERS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).



Michelle K. Lee

Director of the United States
Patent and Trademark Office

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

Reg. No. 4,741,317 OWNER OF INTERNATIONAL REGISTRATION 1137127 DATED 7-13-2012, EXPIRES 7-13-2022.

SER. NO. 79-148,267, FILED 3-29-2014.

ALLISON HOLTZ, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.